

ORDINANCE NO. _____, SERIES 2006

**AN ORDINANCE PROHIBITING THE SALE OF FOODS
CONTAINING TRANS FAT PRODUCTS IN ANY FOOD
SERVICE ESTABLISHMENT IN LOUISVILLE METRO.**

SPONSORED BY: COUNCILMAN DAN JOHNSON

WHEREAS, it is an essential function, duty and responsibility of the Council to adequately safeguard the health of all its citizens, and to establish, maintain, implement, promote and conduct appropriate facilities and services for the purpose of protecting the public health; and

WHEREAS, scientific evidence demonstrates a clear association between increased trans fat intake and the risk of coronary heart disease; and

WHEREAS, it has been scientifically determined that most dietary fat is found in partially hydrogenated vegetable oil, which is oil that has been chemically modified; and

WHEREAS, given the scientific consensus on the relationship between trans fat intake and heart disease, the new Federal Dietary Guidelines recommend that trans fat intake be kept as low as possible; and

WHEREAS, artificial trans fat can be replaced with readily available heart-healthy oils (such as corn, canola, and soy), without changing the taste of foods; and

WHEREAS, federal regulations have led to widespread reformulation of packaged foods, demonstrating the feasibility of removing trans fat from virtually all foods; and

WHEREAS, many companies such as Kraft, Frito-Lay, Smuckers and Tyson Foods have already made the switch to trans fat-free product lines; and

WHEREAS, some restaurant chains such as Wendy's restaurants, now fry with trans fat-free oils; and

WHEREAS, KFC and Taco Bell, units of Yum Brands, Inc., have announced that they will switch to a non trans-fat cooking oil in all their U.S. restaurants by April, 2007.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: DEFINITIONS

The terms used in this Ordinance shall be defined as follows:

(A) *"Trans Fat"* shall mean the artificial fat produced when vegetable oil is converted into semi-solid fat, a/k/a hydrogenated or partially hydrogenated vegetable oil.

(B) *"Food Service Establishment"* Any fixed commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; grills; tea rooms; sandwich shops; soda fountains; taverns; bars; cocktail lounges; night clubs; roadside stands; industrial feeding establishments; private, public or non-profit organizations or institutions routinely serving food; catering kitchens; commissaries; or similar places in which food is prepared for sale or service in the premises or elsewhere with or without charge. It does not include food in vending machines, establishments serving beverages only in single service or original containers or retail food markets which only cut, slice, and prepare cold-cut sandwiches for individual consumption.

(C) “*Person*” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

(D) “*Health Department*” shall mean The Louisville Metro Health Department.

SECTION II: PROHIBITION

It shall be unlawful to sell any foods containing trans fat in any food service establishment within Louisville Metro.

SECTION III: ENFORCEMENT

The Health Department shall enforce the provisions of this Ordinance through the issuance of citations, and for this purpose may at all reasonable times enter in and on any premises of any food service establishment.

SECTION IV: PENALTIES

(A) Any violation of this Ordinance shall be classified as a civil offense and shall be enforced through the Code Enforcement Board ("Board") as provided in §§ 32.275 through 32.290, or as it may be amended. The civil penalties for violations of this Ordinance are as follows:

(1) A minimum penalty of \$50 and a maximum penalty of \$100 for the first offense within a one-year period;

(2) A minimum penalty of \$150 and a maximum penalty fine of \$250 for the second offense within a one-year period; and

(3) A minimum penalty fine of \$350 and a maximum penalty of \$500 for the third and each subsequent offense within a one-year period.

(4) Any person cited for violation of this subchapter as provided in subsection (A) hereof may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the civil penalty as set forth in the citation.

(B) Each calendar day during which a violation of this Ordinance occurs shall constitute a separate and distinct offense.

SECTION V: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____
G: acb Ord Trans Fat Products November 30, 2006
Trans-Fat Ord Reintroduced per council Rule 7.15 (6mo rule)

08.13.2007